

Drawing Figures:

Please amend Drawing Figures 16 and 17 in this application. Amendments to these Drawing Figures are provided on Replacement Sheets filed herewith and replace any and all prior versions of the referenced Drawing Figures in the above-referenced application. Further, Applicant submits that all Drawing Figures are in compliance with 37 C.F.R. § 1.84 and no new matter has been introduced by these Amendments.

Specifically, as shown in the attached Replacement Sheet, please amend Drawing Figure 16 to provide numerical reference, “16a,” for the first graph presented on the Drawing Sheet page and numerical reference, “16b,” for the second graph presented on the Drawing Sheet page. Additionally, as shown in the attached Replacement Sheet, please amend Drawing Figure 17 to provide numerical reference, “17a,” for the first graph presented on the Drawing Sheet page and numerical reference, “17b,” for the second graph presented on the Drawing Sheet page.

REMARKS

Applicant replies to the Office Action mailed on May 26, 2009, the statutory period of response is up to and including August 26, 2009. Applicant thanks the Examiner for the Notice of Allowance, wherein claims 112-130 are allowed. Further, Applicant herein makes all Amendments to the Claims, Specification, and Drawing Figures as advised by the Examiner.

Specifically, without admission or waiver, as agreed in the telephonic interview, Applicant cancels the previously withdrawn Claims 1 – 111 (previously withdrawn pursuant to a Restriction Requirement dated December 27, 2004 and reserved for future examination/prosecution).

Additionally, Applicant hereby amends Drawing Figures 16 and 17. Amendments to these Drawing Figures are provided on Replacement Sheets filed herewith and replace any and all prior versions of the referenced Drawing Figures in the above-referenced application. Further, Applicant submits that all Drawing Figures are in compliance with 37 C.F.R. § 1.84, that all amendments are supported by the originally-filed Specification, Claims, and Drawing Figures, and no new matter has been introduced by these Amendments.

More precisely, as shown in the attached Replacement Sheet, Applicant amends Drawing Figure 16 to provide numerical reference, “16a,” for the first graph presented on the Drawing Sheet page and numerical reference, “16b,” for the second graph presented on the Drawing Sheet page. Additionally, as shown in the attached Replacement Sheet, please amend Drawing Figure 17 to provide numerical reference, “17a,” for the first graph presented on the Drawing Sheet page and numerical reference, “17b,” for the second graph presented on the Drawing Sheet page.

In addition to Applicant’s amendments to the Drawing Figures, Applicant hereby amends the Specification to reflect the proper United States Provisional Patent Number, 60/408,677;

proper numerical references and numerical capitalization both in the Drawing Figures and Specification; and deletion of reference listed at the end of the Specification. Applicant submits that these Amendments are for housekeeping only and that all Amendments are supported by the originally-filed Specification, Claims, and Drawing Figures. Moreover, Applicant submits that no new matter has been introduced by these Amendments.

Preliminarily, Applicant amends paragraph [0001] to reflect the proper United States Provisional Patent Number, 60/408,677. Previously, a typographical error was made in paragraph [0001] citing “the provisional patent application Serial No. 60/407,677.” Thus, paragraph [0001] was intended to read, “This application claims priority from the provisional patent application Serial No. 60/408,677 filed Sep. 7, 2002 in the name of Vincent B. Pizziconi and Timothy Crowley entitled “Self-Energizing, Scalable and Integrative Hybrid Informatic Method and Apparatus to Manipulate, Process, Diagnose and Treat Complex Fluids” incorporated herein by reference.” Applicant provides the appropriate amendment with markings herein.

Additionally, typographical errors in paragraphs [0031], [0035], [0042], [0043], [0046], [0061], [0076], [0077], [0093], [0094], [0098], and [0167] are hereby amended by Applicant to reflect the proper numerical references and numerical capitalization both in the Drawing Figures and Specification.

Lastly, Applicant hereby deletes the references listed at the end of the Specification by deleting the paragraphs [0169]-[0179]. Applicant submits that all references have been considered during prosecution as evidenced by prior Information Disclosure Statements and the File Wrapper history.

CONCLUSION

Applicant submits that the application is in condition for issuance. Applicant submits that all informalities have been correct and that all pending claims 19 claims (1 independent claim, 18 claims total) are patentable. The Examiner is invited to telephone the undersigned at (480) 968-3388 at the Examiner's convenience, if that would help further prosecution of the subject Application.

Furthermore, Applicant contemporaneously submits payment of the Issue Fee with this response.

Respectfully submitted,

Dated: August 26, 2009

By: 

Bradford A. Donovan
Registration No. 58,483

Bradford A. Donovan, P.L.L.C. dba Donovan Law
8400 South Kyrene Road, Suite #120
Tempe, AZ 85284
Tel.: (480) 968-3388
Fax: (480) 718-8700
Email: Bdonovan@dvnlaw.com